

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

**James L. Bond,
Petitioner**

-vs-

Case No. 1:02-cv-451

**Ernie Moore,
Respondent**

JUDGMENT

Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that:

The Report & Recommendation is ADOPTED in toto. Petitioner's petition for writ of habeas corpus is DENIED with prejudice.

A certificate of appealability will not issue with respect to petitioner's ground for relief alleged in the petition, which this Court has concluded is time-barred as well as waived and thus barred from review on two alternative procedural grounds, because "jurists of reason would not find it debatable as to whether this Court is correct in its procedural ruling" at least with respect to the waiver issue under the first prong of the applicable two-part standard enunciated in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).

With respect to any application by petitioner for *in forma pauperis* status for the purposes of pursuing an appeal of this Order, this Court certifies that pursuant to 28 U.S.C. § 1915(a) an appeal of this Order would not be taken in good faith, and

Case 1:02-cv-00451-SSB-TSB Document 9 Filed 08/02/2004 Page 2 of 2
therefore DENIES petitioner leave to appeal *in forma pauperis*. See Fed. R. App.
P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

Date: August 2, 2004

James Bonini, Clerk

By: s/Mary C. Brown
Mary C. Brown, Deputy Clerk